

**Introduced by Senator Galgiani**

February 7, 2013

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An act to amend Section 9880.1 of the Business and Professions Code, relating to automotive repair.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 202, as introduced, Galgiani. Automotive repair.

(1) Existing law, the Automotive Repair Act, establishes the Bureau of Automotive Repair under the supervision and control of the Director of Consumer Affairs. A violation of the act is a crime. Existing law provides for the registration and regulation of automotive repair dealers and makes it unlawful for any person to be an automotive repair dealer unless registered with the bureau. Existing law defines an automotive repair dealer and an automotive technician as persons who, among other things, repair motor vehicles. Existing law defines the repair of motor vehicles to mean all maintenance of and repairs to motor vehicles, as specified, and excludes from the definition, among other things, repairing tires, changing tires, lubricating vehicles, installing light bulbs, batteries, windshield wiper blades, and other minor services. Existing law defines an automotive technician as an employee of an automotive repair dealer or that dealer, if the employer or dealer repairs motor vehicles, and who for salary or wage performs specified work on a motor vehicle, but excludes, among other things, repairing tires, changing tires, lubricating vehicles, installing light bulbs, batteries, windshield wiper blades, and other minor accessories.

This bill would delete repairing and changing tires from those exclusion lists. The bill would additionally exclude tire services provided by or on behalf of a motor club holding a specified certificate of authority or an operator of a tow truck owned or operated by a person

or entity possessing a valid motor carrier permit from the definitions of “repair of motor vehicles” and “automotive technician.” Because the failure of a person repairing and changing tires to register as an automotive repair dealer with the bureau would constitute a crime, the bill would impose a state-mandated program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 9880.1 of the Business and Professions  
2     Code is amended to read:  
3     9880.1. The following definitions apply for the purposes of  
4     this chapter:  
5     (a) “Automotive repair dealer” means a person who, for  
6     compensation, engages in the business of repairing or diagnosing  
7     malfunctions of motor vehicles.  
8     (b) “Chief” means the Chief of the Bureau of Automotive  
9     Repair.  
10    (c) “Bureau” means the Bureau of Automotive Repair.  
11    (d) “Motor vehicle” means a passenger vehicle required to be  
12    registered with the Department of Motor Vehicles and all  
13    motorcycles whether or not required to be registered by the  
14    Department of Motor Vehicles.  
15    (e) “Repair of motor vehicles” means all maintenance of and  
16    repairs to motor vehicles performed by an automotive repair dealer  
17    including automotive body repair work, but excluding those repairs  
18    made pursuant to a commercial business agreement and also  
19    excluding ~~repairing tires, changing tires,~~ lubricating vehicles,  
20    installing light bulbs, batteries, windshield wiper blades, and other  
21    minor accessories, cleaning, adjusting, and replacing spark plugs,  
22    replacing fan belts, oil, and air filters, *providing tire services by*  
23    *or on behalf of a motor club holding a certificate of authority*  
24    *issued pursuant to Chapter 2 (commencing with Section 12160)*  
25    *of Part 5 of Division 2 of the Insurance Code or by an operator*

1 *of a tow truck, as defined in Section 615 of the Vehicle Code,*  
 2 *owned or operated by a person or entity possessing a valid motor*  
 3 *carrier permit, as described in Section 34620 of the Vehicle Code,*  
 4 and other minor services, which the director, by regulation,  
 5 determines are customarily performed by gasoline service stations.

6 No service shall be designated as minor, for purposes of this  
 7 section, if the director finds that performance of the service requires  
 8 mechanical expertise, has given rise to a high incidence of fraud  
 9 or deceptive practices, or involves a part of the vehicle essential  
 10 to its safe operation.

11 (f) “Person” includes firm, partnership, association, limited  
 12 liability company, or corporation.

13 (g) An “automotive technician” is an employee of an automotive  
 14 repair dealer or is that dealer, if the employer or dealer repairs  
 15 motor vehicles, and who for salary or wage performs maintenance,  
 16 diagnostics, repair, removal, or installation of any integral  
 17 component parts of an engine, driveline, chassis or body of any  
 18 vehicle, but excluding ~~repairing tires, changing tires,~~ lubricating  
 19 vehicles, installing light bulbs, batteries, windshield wiper blades,  
 20 and other minor accessories; cleaning, replacing fan belts, oil and  
 21 air filters; *providing tire services by or on behalf of a motor club*  
 22 *holding a certificate of authority issued pursuant to Chapter 2*  
 23 *(commencing with Section 12160) of Part 5 of Division 2 of the*  
 24 *Insurance Code or by an operator of a tow truck, as defined in*  
 25 *Section 615 of the Vehicle Code, owned or operated by a person*  
 26 *or entity possessing a valid motor carrier permit, as described in*  
 27 *Section 34620 of the Vehicle Code, and other minor services which*  
 28 the director, by regulation, determines are customarily performed  
 29 by a gasoline service station.

30 (h) “Director” means the Director of Consumer Affairs.

31 (i) “Commercial business agreement” means an agreement,  
 32 whether in writing or oral, entered into between a business or  
 33 commercial enterprise and an automobile repair dealer, prior to  
 34 the repair which is requested being made, which agreement  
 35 contemplates a continuing business arrangement under which the  
 36 automobile repair dealer is to repair any vehicle covered by the  
 37 agreement, but does not mean any warranty or extended service  
 38 agreement normally given by an automobile repair facility to its  
 39 customers.

1 (j) “Customer” means the person presenting a motor vehicle for  
2 repair and authorizing the repairs to that motor vehicle. “Customer”  
3 shall not mean the automotive repair dealer providing the repair  
4 services or an insurer involved in a claim that includes the motor  
5 vehicle being repaired or an employee or agent or a person acting  
6 on behalf of the dealer or insurer.

7 SEC. 2. No reimbursement is required by this act pursuant to  
8 Section 6 of Article XIII B of the California Constitution because  
9 the only costs that may be incurred by a local agency or school  
10 district will be incurred because this act creates a new crime or  
11 infraction, eliminates a crime or infraction, or changes the penalty  
12 for a crime or infraction, within the meaning of Section 17556 of  
13 the Government Code, or changes the definition of a crime within  
14 the meaning of Section 6 of Article XIII B of the California  
15 Constitution.